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REMARKS

Applicant wishes to thank the Examiner for the careful attention accorded to the instant application. Claims 374, 376, 377, 378 and 379 have been amended to clarify that the web based trajectory monitoring server determined where and when "encrypted content" has been decrypted and visually or sonically displayed by the network computing device.

Regarding the objection to the specification, applicants respectfully request the requirement to correct line 34 and the last line on each page be corrected with a substitute specification upon such time that allowance of one or more claims is indicated. For the Examiner's reference, the specification of this case is identical to that of US Patent No. 6677858, which claims priority to the same application as the present case.

Regarding the rejections of claims 376 and 378 under 35 USC 112, second paragraph, the claims were amended in the response submitted February 14, 2007 addressed these rejections.

The Examiner has rejected claims 374, 375, 377 and 379 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,317,500 to Murphy ("Murphy") in view of U.S. Patent No. 6,104,815 to Alcorn et al. (Alcorn) and further in view of U.S. Patent No. 5,243,652 to Teare et al. ("Teare") and further in view of U.S. Patent No. 6,263,280 to Stingone, Jr. (Stingone), and claims 376 and 378 under 35 U.S.C. §103(a) as being unpatentable over Murphy in view of Alcorn and further in view U.S. Patent No. 6,522,875 to Dowling et al. ("Dowling") and further in view of Stingone (although the paragraph introducing these rejections on page 8 of the office action of June 26, 2007 do not mention Stingone, the reference is mentioned in relation to the rejection of these claims on pages 11 and 13).

As recently stated by the Supreme Court, "[a] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). While the Supreme Court no longer requires a test of "teaching, suggestion, or

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motivation" to combine references, caution remains against hindsight application of references. As is well-established,

It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In re Fritch, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992). *See also*, MPEP §2142.

Notably, in all of the claim rejections, the Examiner has used four references to assert teachings or disclosures of the claim elements. Applicants respectfully submit that these references are used to derive certain "building blocks" that parallel the claim elements, and these "building blocks" are inappropriately used to construct the present claims in an impermissible hindsight fashion. Accordingly, reconsideration of the rejections based upon 35 USC 103 is respectfully requested.

In particular, regarding claims 374, 375 (which depends from claim 374) and 379, the Examiner admits that Murphy does not teach important features of the claims, namely that the encrypted content is downloaded at a time different from the decryption. Indeed, Murphy is directed to a system for assuring the location integrity of a decryption chip used to receive and decrypt encrypted signals received from an encrypted broadcast information source. There is nothing in Murphy that teaches or discloses that information is downloaded and stored within a memory device.

To present this feature, the Examiner cites Alcorn and Teare. Alcorn is directed to a method and apparatus using geographical position and universal time determination means to provide authenticated, secure, on-line communication between remote gaming locations. However, Alcorn is different from the present claims 374, 375 and 379, since Alcorn deals with ensuring that Internet gambling is conducted in a legitimate manner, rather than controlling decryption of downloaded content as in the present claims 374, 375 and 379. In addition, Teare is directed to a system which only uses location sensitive position information being transmitted to a central facility, whereby a decryption key is transmitted to the unit to unlock encrypted program material (e.g., encrypted media). Content is not downloaded to the memory device, as in the present claims 374, 375 and 379.

The Examiner also admits that the combination of Murphy, Alcorn and Teare does not teach that a web-based server is provided to allow monitoring of the TS trajectories of the network computing devices, and cites Stingone for this purpose. Stingone discloses a locating

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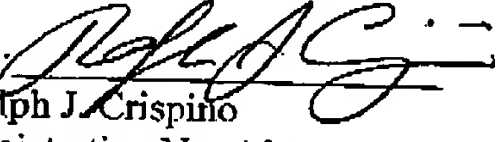
and tracking method and system whereby a user worn device (shown as a wristwatch) transmits GPS data signals associated with the device to a network database. No information is downloaded to the device, and thus there are no restrictions to apply. Applicants respectfully submit that the use of Stingone in the 35 USC 103 rejection in combination with Murphy, Alcorn and Teare represents impermissible hindsight, and thus the combination is not proper. Accordingly, allowance of claims 374, 375 and 379 is respectfully requested.

Regarding the rejection of claim 377, Applicants respectfully submit that, similar to the discussion of claims 374, 375 and 379, the cited references do not teach all of the requirements of claim 377, including, *inter alia*, downloading encrypted content to a memory device and decrypting the downloaded content upon generation of matching TS coordinates, and providing a web-based device trajectory monitoring server to allow monitoring of TS trajectories of each device, and to determine when and where received encrypted content has been decrypted and visually or sonically displayed by the network computing device.

Finally, the Examiner has cited Dowling in the rejections of claim 376 and 378 for teaching the feature that the device is partially enabled outside of the predetermined location or time interval. However, Applicants remain unclear as to how the cited teachings of Dowling, which uses GPS information to provide information of interest based upon the location of the device, suggests the features in claims 376 and 378 whereby the device is partially enabled. Regarding the remaining elements of claims 376 and 378, the arguments presented herein regarding claims 374, 375 and 379 apply.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims 374-379 are in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

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